

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "*B*" to H.P. 183, L.D. 248, Bill, "An Act to Strengthen Land Use Management in Maine's Unorganized Territories"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §682, sub-§2, as amended by PL 1987, c. 885, §1, is further amended to read:

2. Subdivision. "Subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, or by sale of the land by metes and bounds or by leasing.

The term "subdivision" shall also include the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph.

The creation of a lot or parcel more than 500 acres in size shall not be counted as a lot for the purpose of this subsection.

The creation of a lot or parcel of at least 40 but not more than 500 acres in size shall not be counted as a lot for the purpose of this subsection except when the lot or the parcel from which it was divided is located wholly or partly within the shoreland area as defined in Title 38, section 435 and except as provided

1 in paragraph A. Upon petition to the commission of a majority of  
2 the registered voters residing in a township or in a plantation  
3 under the jurisdiction of the commission, the commission shall  
4 count lots of 40 or more acres wholly within the township as lots  
5 under this subsection even if the parcel of land being divided is  
6 located entirely outside any shoreland area as defined in Title  
7 38, section 435.

9 A. When 3 or more lots containing at least 40 but not more  
10 than 500 acres are created within a 5-year period from a  
11 parcel which is located wholly outside the shoreland area as  
12 defined in Title 38, section 435, a plan showing the  
13 division of the original parcel must be filed by the person  
14 creating the 3rd lot with the registry of deeds, the  
15 commission and the State Tax Assessor within 60 days of the  
16 creation of that lot. Any subsequent division of a lot  
17 created from the original parcel within 10 years of the  
18 filing of the plan in the registry of deeds shall be  
19 considered a subdivision. Failure to file the plan required  
20 by this paragraph is a violation of this chapter subject to  
21 the penalties provided in section 685-C, subsection 8.

22 B. The commission shall submit a report by March 15th,  
23 annually, to the joint standing committee of the Legislature  
24 having jurisdiction over energy and natural resources. The  
25 report shall indicate the number and location of lots for  
26 which a plan was filed under paragraph A and the number and  
27 location of subsequent divisions requiring review by the  
28 commission.

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31 **Sec. 2. Appropriation.** The following funds are appropriated  
32 from the General Fund to carry out the purposes of this Act.

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35 **1989-90**

36 **CONSERVATION, DEPARTMENT OF**

37 **Maine Land Use Regulation Commission**

38 All Other \$2,000

39 Provides funds for the promulgation of rules.  
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45 **FISCAL NOTE**

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47 Enactment of this legislation would result in a General Fund  
48 appropriation to the Department of Conservation, Maine Land Use  
49 Regulation Commission, Acct. #01509.1, in the amount of \$2,000  
50 for fiscal year 1989-90. This appropriation would provide funds  
51 for anticipated costs for the promulgation of rules.'

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**STATEMENT OF FACT**

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This amendment allows for a majority of the residents of a township to petition the Maine Land Use Regulation Commission to count lots of 40 or more acres as lots for the purposes of subdivision review.

Reported by the Minority of the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the House  
6/16/89 (Filing No. H-572)